



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

May 10, 2012

Certified Mail – Return Receipt Requested

Article Number: 7009 1410 0002 2000 0385

Mr. Blaine Boyer
Boyer Ranch Group
44355 Calle Vista Lejos
Temecula, California 92590

In reply refer to:

925014:bpulver

**Subject: Notice of Violation No. R9-2012-0046, Boyer Ranch Group
Conditional Waiver No. 4 – Discharges from Agricultural and Nursery Operations**

Dear Mr. Boyer,

Enclosed is Notice of Violation (NOV) No. R9-2012-0046 issued to the Boyer Ranch Group for violations of Order No. R9-2007-0104 Conditional Waiver No. 4 – Discharges from Agricultural and Nursery Operations, issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). As described in the NOV, the violations are subject to further enforcement pursuant to the California Water Code. The San Diego Water Board reserves the right to take any enforcement action authorized by law.

Please provide a written response by May 30, 2012 that either confirms the violations have been corrected or identifies a date by which the violations will be corrected.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violation, the level of cooperation, the time it takes to correct the identified violations, and the sufficiency of the corrections.

In the subject line of any response, please include the information located in the heading of this letter: "in reply refer to." For questions pertaining to the subject matter, please contact Mr. Barry Pulver at (858) 467-2733 or bpulver@waterboards.ca.gov.

Respectfully,

Jeremy Haas
Environmental Program Manager
Water Quality Restoration and Standards Branch

JH:cg:bsp

Enclosure: Notice of Violation No. R9-2012-0046

cc:

Mr. John Rogers, 44475 Calle Vista Lejos, Temecula, California 92590

Mr. John Burk, 27210 Avenida Del Oro, Temecula, California 92590

Mr. and Mrs. Al Perez, 28231 Sycamore Mesa Road, Temecula, California 92590

Tech Staff Info & Use	
Reg. Measure ID	384941
Place ID	780965
Party (GT/CIWQS) ID	533623
WDID	9000002453
Person ID	533602



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

May 10, 2012

In reply refer to:
780965:bpulver

**NOTICE OF VIOLATION
No. R9-2012-0046**

Mr. Blaine Boyer
Boyer Ranch Group
442565 Calle Vista Lejos
Temecula, California 92590

Boyer Ranch Group

**Violations of Order No. R9-2007-0104
Conditional Waiver No. 4 – Discharges
from Agricultural and Nursery
Operations**

Place ID: 780965:bsp

The BOYER RANCH GROUP is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

The BOYER RANCH GROUP is in violation of San Diego Water Board Order No. R9-2007-0104, Conditional Waiver No. 4 – Discharges from Agricultural and Nursery Operations.

A. Summary of Violations

1. Failure to Submit a Monitoring and Reporting Program Plan and a Quality Assurance Project Plan

- a. **Description:** Pursuant to Section 4.I.E.4 of Conditional Waiver No. 4, each monitoring group must submit a Monitoring and Reporting Program Plan (MRPP) and a Quality Assurance Project Plan (QAPP) to the San Diego Water Board no later than January 1, 2012. To date the Boyer Ranch Group has not submitted the MRPP and QAPP.

GRANT DESTACHE, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

9174 Sky Park Court, Suite 100, San Diego, CA 92123 | (858) 467-2952 | www.waterboards.ca.gov/sandiego



- b. **Evidence:** The required documents have not been received by the San Diego Water Board. On April 20, 2012, the Boyer Ranch Group submitted a letter in response to an inquiry by the San Diego Water Board to the status of the submission of the required documents. The April 20, 2012 letter indicated that the Boyer Ranch Group will not be submitting the required documents nor conducting the monitoring and reporting as required by Section 4.I.E.5 of Conditional Waiver No. 4. The April 20, 2102 letter also included a request to waive the monitoring and reporting requirement of Conditional Waiver No. 4 because they are regulated as organic farmers and are meeting the requirements of Federal Organic Law, which already limits the negative impacts of farming.

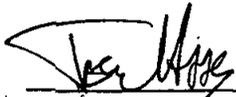
B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$5,000 per day of violation (Water Code section 13350) and/or any of the following enforcement actions:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, if any, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

In the subject line of any response, please include the information located in the heading of this letter: "in reply refer to." Questions pertaining to this Notice of Violation should be directed to Mr. Barry Pulver at 858-467-2733 or bpulver@waterboards.ca.gov.



Jeremy Haas
 Environmental Program Manager
 Water Quality Restoration and Standards Branch

JH: cg:bsp

cc:
 Mr. John Rogers, 44475 Calle Vista Lejos, Temecula, California 92590
 Mr. John Burk, 27210 Avenida Del Oro, Temecula, California 92590
 Mr. and Mrs. Al Perez, 28231 Sycamore Mesa Road, Temecula, California 92590

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Place ID	780965
Order No.	R9-2012-0046
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SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

MR. BLAINE BOYER
BOYER RANCH GROUP
14855 CALLE VISTA LEJOS
TAMECULA, CA 92590

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Article Number
(Transfer from service label)

7009 1410 0002 2000 0385

PS Form 3811, February 2004 5-10

Domestic Return Receipt B. Pulver

102595-02-M-1540

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.
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Sent To MR. Blaine Boyer
Street, Apt. No.,
or PO Box No. 14855 Calle Vista Lejos
City, State, ZIP+4 Tamecula, CA 92590

PS Form 3800, August 2006
PS Form 3800, August 2006

See Reverse for Instructions
See Reverse for Instructions